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- Today's Insider (PDF)



**YOU DON'T SAY...**

"As your loyal supporter and follower, would you please help crown me as worst democrat nightmare in NC?"

*NC GOP Executive Director Dallas Woodhouse asking for Vice President Mike Pence's vote in a Progress NC Action Twitter poll.*

TWITTER, 3/28/18

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## News Summary

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### Special Master Cost

A three-judge panel has brushed aside objections from lawyers for the North Carolina General Assembly and ordered state government to pay \$124,125 to the special master in a successful lawsuit against racial gerrymandering. The judges said that in his advisory role, Stanford University law professor Nathaniel Persily provided valuable insight that helped them decide remaining issues in the case. "The special master's work was helpful to the court, and his fees are very reasonable, especially considering the detailed work he did on a short schedule," the trio of judges wrote in their eight-page order.

But Persily's bill is just the start: Lawyers for voters behind the successful, gerrymandering suit want an additional \$1.5 million from state taxpayers for their three years of effort in the case. "Plaintiffs prevailed in what this court has described as 'one of the most widespread racial gerrymanders ever held unconstitutional by a federal court ...' " Raleigh lawyer Edwin Speas Jr. said in court papers, referring to his side's accomplishment.

The private lawyers represented 31 voters from across the state who sued successfully to overturn what they claimed were gerrymandered election districts for state House and Senate seats. In contrast, Persily worked for the trio of judges -- U.S. District Judges Catherine Eagles of Greensboro and Thomas Schroeder of Winston-Salem, and Circuit Judge James Wynn Jr., of the 4th U.S. Circuit Court of Appeals -- who initially decided the case in favor of those protesting voters.

The judicial panel hired Persily in late October after determining that state legislators failed last summer to completely fix the unconstitutional gerrymandering intended to enhance Republican prospects at the ballot box. Earlier, lawyers for the voters had argued successfully that after the 2010 census, legislators packed 28 state House and Senate districts with excessive numbers of black voters to blunt the larger impact of their voting patterns that tend to favor Democratic candidates. Also before Persily came on board, the nation's highest court upheld the three-judge panel's original gerrymander decision and the General Assembly took another stab last August at redistricting fairly.

The trio of judges hired Persily in late October to suggest ways to fix nine districts still in dispute after the General Assembly's second try. The Stanford University expert in election law came up with a plan largely adopted by the judges, one that made significant changes to several state House and Senate districts in Guilford County.

Lawyers for the legislative defendants contended in recent court documents that North Carolina taxpayers should not have to shoulder all of Persily's bill. Legislative defendants include state Senate Leader Phil Berger, R-Rockingham, state House Speaker Tim Moore, R-Cleveland, as well as other current and former GOP legislators. Other defendants in the case are state government in general and the state Board of Elections, along with several of its board members. Lawyers for Berger, Moore and the other legislative defendants argued against paying Persily's tab in full. They contended that his services really weren't needed, that the complaining voters should pay some of his charges and that the bill should only be assessed against state government on an "interim" basis because the legislative defendants might win a renewed appeal they have made to the U.S. Supreme Court.

In their order signed Thursday, Wynn, Schroeder and Eagles said those arguments were without merit. The judges praised Persily's expertise, noting that "the matters at issue, in this case, have a high degree of public importance."

Unlike Persily's request for payment, the fees submitted by Speas and other lawyers representing the voters might be questioned by North Carolina Attorney General's office. The court file contains a statement that the plaintiffs' lawyers met March 9 with attorneys from the office but "were unable to reach an agreement."

In their request, Speas' law firm is seeking about \$814,000 in attorneys' fees and expenses, and the Durham-based Southern Coalition for Social Justice wants just less than \$675,000. Prominent civil-rights lawyer Adam Stein of Chapel Hill, father of North Carolina Attorney General Josh Stein, also worked on the plaintiffs' side of the case and is seeking \$35,650 in attorneys' fees. The elder Stein withdrew from the case in late 2016 after his son was elected to the statewide office. The younger Stein also has recused himself from involvement in the case and delegated it to a deputy attorney general, his office said Wednesday.

As of Dec. 31, the General Assembly had spent \$5.6 million on legal fees and other charges stemming from 11 lawsuits challenging various aspects of redistricting. Legislators redistrict after the census every 10 years, modifying election districts for a variety of state and federal offices to account for changes in population. (Taft Wireback, GREENSBORO NEWS & RECORD, 3/28/18)

## **Homeowners Associations**

A legislative study committee tasked with reviewing the potential to require mediation and arbitration for homeowners association disputes wrapped up Wednesday without issuing any policy recommendations. The Committee on Dispute Resolution Options for Homeowners, Associations and Governing Entities voted to recommend further study of the issue after the short session and to broaden the discussion to include other potential solutions such as awarding legal fees to the winning party in HOA disputes.

The committee was created by a provision in Senate Bill 16 last year calling for a study of "the creation of a process for the mediation and arbitration of disputes between the owners of property located in a homeowners or property owners association and the governing entities of such homeowners or property owners associations." But attorneys who represent HOAs and other experts who spoke at Wednesday's committee meeting were skeptical that requiring mediation or arbitration prior to a HOA-related lawsuit would actually improve the dispute resolution process. "Mediation by its nature is voluntarily," said Jim Slaughter, an attorney who often represents associations, adding that the change would "increase costs to homeowners and associations and places them no closer to resolution."

Henry Jones, representing the N.C. Chapter of Community Associations Institute, said the group has noticed an increase in HOA disputes and last year created its own mediation program, which is voluntarily and requires both parties to split the cost of mediation sessions. Some committee members said they'd like to see how well the program works, and data isn't yet available because it launched in December. Some say there's a larger problem with HOA laws that goes beyond what the committee was asked to do. "There is an imbalance of power" favoring HOA boards over individual homeowners, said Sen. Joel Ford, D-Mecklenburg, adding that oftentimes the homeowner doesn't have the resources to afford mediation or legal action. Ford voiced disappointment with the committee's inaction. "I think that the clock ran out on us," he said. "We need to come back with some recommendations." (Colin Campbell, THE INSIDER, 3/29/18)

## **Pipeline Vigil**

Opponents of the Atlantic Coast Pipeline have been staging protests outside Gov. Roy Cooper's office this week, saying work on the interstate natural gas pipeline is damaging homes and property. The



small but determined group of protesters said Cooper's administration made a mistake by issuing the required permits for the 600-mile pipeline to run through eight counties in eastern North Carolina, and they are calling for a one-year moratorium on pipeline construction activities. The \$6 billion pipeline is being built by a group of utilities, including Duke Energy and Dominion Energy, and will carry natural gas from hydraulic fracturing wells in West Virginia and Pennsylvania to southeast North Carolina.

Crews are already clearing land on sections of the pipeline corridor, and Tom Clark said he discovered last week that they had taken out a treasured tree on his family's property. Clark said the pine had been left behind by his grandfather to provide shade for the family at the fishing hole on the farm. "I know people are probably going to think I'm silly, [but] it was like a person. [It was] like pulling up on a car accident where you have a loved one lost because that tree was probably 80, 90 years old," he said. Clark said he wasn't aware crews would be cutting trees on the farm because pipeline operators are notifying only affected property owners, not anyone who lives nearby. He said his cousin who holds the deed to the part of the family's farm where the cutting occurred lives out of state. Dominion spokesman Aaron Ruby said pipeline crews have followed the rules and obtained all needed approvals, but Clark said the tree didn't need to be cut, noting one next to it was left standing. He said he would have talked to the pipeline crew if he had known they had started clearing trees in the area.

A spokesman for the Governor's Office said members of Cooper's policy staff met with the protestors Wednesday and that the governor understands their concerns about environmental stewardship. But Clark said that won't replace his beloved "Grandfather Tree." The governor and legislative leaders favor the pipeline, saying it will bring economic development and jobs to some of the state's most disadvantaged areas. Bridget Munger, a spokeswoman for the state Department of Environmental Quality, said the agency is working on an online portal to allow people to request information and to file complaints about the pipeline project as it moves forward. (Laura Leslie, WRAL NEWS, 3/28/18)

## **Tree Cutting**

Federal regulators have denied a request from developers of the proposed Atlantic Coast Pipeline for more time to cut down trees along the project's route. An official with the Federal Energy Regulatory Commission wrote in a letter Wednesday that the request to continue cutting trees outside an initial window agreed to for the protection of bats and birds wouldn't offer adequate protection. Dominion Energy told FERC earlier this month it appeared workers couldn't complete tree felling in West Virginia, Virginia and North Carolina on time and that failure to do so will affect the 2018 construction season. A FERC spokeswoman says the pipeline has 30 days to appeal. (THE ASSOCIATED PRESS, 3/28/18)

## **School Threats**

A spike in threats of school violence since last month's mass school shooting in Florida is spurring calls to crack down on students and others who make false threats. There has been over a 300 percent increase nationally in school threats reported each school day since 17 people were killed at a high school in Parkland, Fla., on Feb. 14, according to the Educator's School Safety Network. North Carolina has seen a sharp increase in threats, leading school board members to urge lawmakers to make it a felony to make a threat of mass violence on school property.

More than 84 percent of school board members who responded to a recent North Carolina School Boards Association survey said they support a bill making it a Class H felony to communicate a school threat. The bill received unanimous support from the House last year but stalled in the Senate. It's eligible for consideration this year. "You want to deter crime and it is a criminal offense to threaten violence on school property," said Minnie Forte-Brown, president of the NCSBA board of directors and a member of the Durham school board. "We're not playing. It's not something to be toyed with." (T. Keung Hui, THE NEWS & OBSERVER, 3/28/18)

## **Supreme Court Poll**

North Carolina's Supreme Court race is currently a dead heat, according to a poll commissioned by a liberal advocacy group. Working on behalf of Real Facts NC, Garin-Hart-Yang Research Group polled 603 voters on the race currently between Republican incumbent Justice Barbara Jackson and Democrat Anita Earls, formerly of the Southern Coalition for Social Justice. About 38 percent of those polled said they'll back Jackson, 37 percent support Earls and 25 percent were undecided. Jackson had a narrow 30 percent to 23 percent lead among unaffiliated voters, according to the pollster.

The poll also reviewed Gov. Roy Cooper's favorability, with 54 percent saying they approve of Cooper's performance and 34 percent saying they disapprove -- including one-third of registered Republicans approving of the Democrat. (Colin Campbell, THE INSIDER, 3/29/18)

## **Cardinal Investigation**

Cardinal Innovations officials filed a lawsuit Monday against the company's former CEO to recover more than \$1.6 million in severance pay. An outside investigator, hired by new Cardinal leadership, claims that former CEO Richard Topping stole intellectual property just before his firing, intentionally deleted relevant electronic data, and ultimately used Cardinal to "enrich" himself. Text exchange between departing Cardinal Innovations CEO Richard Topping and the former Chief Information Officer Peter Murphy. Screenshot of Cardinal Innovations presentation. Investigator Kurt Meyers with the law firm McGuireWoods LLP outlined his "significant concerns" about Topping's actions for more than an hour during a Monday press conference in Charlotte.

Interim Cardinal CEO Trey Suttan took a very different tone than his predecessor when addressing state lawmakers during a March 13 meeting of the Joint Legislative Oversight Committee on Medicaid and NC Health Choice. "What I've heard and learned is people are extremely frustrated by the decisions of prior leadership," Suttan said at his presentation to state lawmakers. "There's a need for transparency and inclusiveness. There is also a culture of fear and mistrust inside the organization and from various stakeholders outside the organization. We are working aggressively on some of those things."

Lawmakers, who have expressed nothing but outrage with prior Cardinal leadership and Topping, were pleased with Suttan's management so far. "This is probably one of the better Cardinal updates," committee co-chair Rep. Donny Lambeth, R-Forsyth, said after Suttan's update. Others in the room chuckled in agreement. "It demonstrates your leadership ... and your common sense approach to solving problems," Lambeth said, noting that Suttan's presentation lacked the arrogance he's seen from Cardinal in the past.

During a text exchange between former Cardinal Innovations CEO Richard Topping and CIO Peter Murphy, Topping indicated to Murphy to stay quiet about Topping's plans. Screenshot of Cardinal Innovations presentation. Meyers highlights a number of text messages between Topping and former Chief Information Officer Peter Murphy. On the day Topping initiated his severance package in November, he had a text exchange with Murphy indicating that he had backed up files onto a home drive. "I'm leaving nothing to chance," Topping wrote. "Smart," Murphy replied. Then Topping sent a "hush" emoji. "This emoticon indicates his intent that he didn't want Peter Murphy to tell anyone what he had done," Meyers said. "This is concerning particularly because of what was on that [storage] drive." It contained competitive business strategies, confidential strategic plans and reports prepared by expert consultants using proprietary data, as well as personnel files, Meyers said.

Meyers gave a potential motive for the alleged theft. "Topping appears to have been creating a new venture that would participate in the same space as Cardinal," Meyers said. He went on to outline what he called a "pattern of conduct designed for self-enrichment at the expense of Cardinal." (Taylor Knopf, NC HEALTH NEWS, 3/28/18)

## **Democratic Dilemma**

For six years Joel Ford has been a Democratic member of the North Carolina Senate. He was a Democratic candidate for mayor last fall and before that chaired the Mecklenburg Democratic Party.

But along the way, Ford has worked with Republicans. And now he faces a challenger who questions his party allegiance. "I don't believe that we need to appease Republicans," said Democrat Mujtaba Mohammed. "We've got to be able to provide people . . . with a bold progressive vision."

As much as any N.C. contest, the primary in Senate District 38 reflects national Democratic divisions between progressive ideals and pragmatic moderation, between standing on principle or standing with Republicans if that's what it takes in a state where Republicans hold a solid grip on the General Assembly. "I would describe it as a philosophical difference within the Democratic Party," said Ford, reciting a litany of his community's challenges. "I, as a Democrat representing that constituency, don't have the luxury of not engaging the leadership to help my district."

Party credentials are likely to be a factor in a primary that typically draws the most committed and partisan voters. For some voters, said Democratic consultant Dan McCorkle, "It'll come down to party loyalty versus incumbency."

Ford and Mohammed are two of four Democratic candidates in the district that stretches across north Charlotte from the airport in the west to the Cabarrus County line in the east. A majority of the district's voters are African American and registered Democrats. Tim Wallis, 26, is a systems engineer making his first run for office. Roderick Davis, 34, has run for several offices and won nearly 48 percent of the vote against Ford in the 2016 primary despite barely campaigning. Mohammed, 32, is an assistant public defender and former official of the county Democratic Party. He's a former staff attorney at the Council for Children's Rights. Ford, 49, is currently an executive consultant for Tennessee-based behavioral health company. He has called himself "a recovering entrepreneur."

Last summer Ford was one of four Democrats who joined Senate Republicans in voting for the final legislative budget. He was the only Mecklenburg Democrat in either chamber to back it. He touts the fact that it included \$25 million for Charlotte-Douglas International Airport and \$250,000 for Renaissance West, a childhood education program in west Charlotte that he championed when he chaired the Charlotte Housing Authority. Ford said Democrats have to be realistic as long as they're in the minority. Records show Ford voted against the Senate majority 22 percent of the time this session. That's more than several Democrats including Sen. Jeff Jackson of Charlotte.

Mohammed also chided Ford for missing votes last session while he ran for mayor of Charlotte. Records show he had 34 excused absences, twice as much as any other senator. And he cast only 240 out of 574 possible votes, fewer than any senator. "Our district went silent because we didn't have a voice there," Mohammed said. (Jim Morrill, THE CHARLOTTE OBSERVER, 3/28/18)

## **Lewandowski Speech**

President Donald Trump's former campaign manager will be the main speaker at the N.C. Republican Party's state convention in June. NCGOP executive director Dallas Woodhouse announced on Twitter Wednesday that Corey Lewandowski will be the headliner for the convention, which is scheduled for June 7-10 in Hickory. Lewandowski managed Trump's campaign from its launch until June 2016; he's continued to appear regularly on cable news and has worked with some lobbying firms. (THE INSIDER, 3/29/18)

## **HPU Poll**

Resources: [HPU Poll](#)

Here's some good news for President Donald Trump: His approval rating has hit 40 percent in North Carolina, according to a new High Point University Poll. It's the best the president has polled since he took office in early 2017. In previous HPU Polls, Trump's approval rating was mired in the low to mid-30s. The improvement in Trump's ratings was reflected in a national poll published Tuesday. The Associated Press-NORC Center for Public Affairs Research poll found that 42 percent of Americans say they approve of the president's job performance -- up seven points from a month ago.

But the latest HPU Poll isn't unqualified good news for the president: 50 percent of those polled



disapprove of his job performance. Brian McDonald, associate director of the HPU Poll, pointed out that Trump's approval rating hasn't risen all that much from the last poll. In the February HPU Poll, Trump's N.C. approval rating was 38 percent -- his previous best until Wednesday's poll results came out. "This small deviation," he added, "might not indicate any significant shift in how the state feels." The most recent HPU Poll was conducted March 19-26. The telephone survey of 402 adult North Carolina residents has a margin of error of plus or minus 4.9 percentage points. (John Newsom, GREENSBORO NEWS & RECORD, 3/28/18)

## **Silent Sam**

Silent Sam may finally speak, with a full history lesson for passersby at UNC-Chapel Hill. Embedded history markers and Bluetooth beacons connected to digital content could lead UNC-Chapel Hill visitors through McCorkle Place, the quadrangle off Franklin Street, an area that could become known as the "birthplace of American public higher education." A plan to provide historical context to the site will include signs about the origins of the controversial Confederate monument known as Silent Sam, which has been the target of protesters and a source of angst for students, faculty and university leaders.

Work is proceeding to curate the university's history after months of research by an internal task force that included historian and professor Jim Leloudis. On Wednesday, Leloudis presented designs to the Board of Trustees. The proposal calls for gateway signs at either end of the quadrangle, plus interpretive signs at two current locations -- Silent Sam and the Unsung Founders Memorial, which honors slaves' contributions to the university. A third marker, a new feature, will tell the history of Native Americans on the land. As part of the work, the Unsung Founders Memorial will be refurbished because of damage from rain and erosion that has caused it to sink into the ground. The black granite table-like sculpture is supported by figurines that represent slave and free labor that built the university's original buildings. It will be re-installed on a hard surface surrounded by circular walls and a walkway that connects to the sidewalk.

The idea behind the contextual effort is to present the history of the university, good and bad. Universities around the country have changed the names of buildings, constructed new exhibits or removed statues altogether in an effort to confront a history of racism and racial inequality. Last year, Duke University removed a statue of Robert E. Lee that had been vandalized. The University of Texas removed three Confederate statues in the middle of the night before classes began last August.

On Wednesday, there was no mention of any future removal of Silent Sam. Trustee Jeff Brown said he hoped the story of McCorkle Place would include other parts of history besides the Confederate, slave and Native American elements. "It seems to me there's an opportunity to broaden McCorkle Place's recognitions," he said, adding, "To me, that's where I think a lot of the action can be going forward, to celebrate the university's role in public education." Leloudis said that broader plan has always been the long-term vision. He said he could see markers at Hill Hall, the first library at the university, and in front of Graham Memorial, which was built to honor Edward Kidder Graham. (Jane Stancill, THE NEWS & OBSERVER, 3/28/18)

## **Beer Bet**

Gov. Roy Cooper went beer shopping to pay off a bet with Virginia Gov. Ralph Northam over the ACC championship basketball game. UNC's loss to the University of Virginia meant Cooper owed his counterpart two six-packs, and on Wednesday, Cooper's administration posted a video showing him shopping at the State of Beer bottle shop in downtown Raleigh. In the video, the governor selects Oatmeal IPA from Mother Earth Brewing in Kinston (the cans are UVA orange, Cooper notes) and Humidity Pale Ale from Durham's Fullsteam (Carolina blue cans). "We'll get you next time," Cooper tells Northam in the video. (THE INSIDER, 3/29/18)

## **Mission Buyer**

According to its official history, the two physicians and one businessman who founded Hospital Corporation of America in 1968 "envisioned a company that would bring together hospitals to deliver patient-focused care." There might be some disagreement between supporters and detractors over how successful HCA has been in meeting those goals, but there is no question the company has met another: making money. HCA, which last year changed its name to HCA Healthcare, reported a profit of \$2.2 billion for 2017 on revenues for the year of \$43.6 billion.

Now the company has its sights set on Mission Health, the Asheville area's largest employer. Mission, with a sizable footprint of its own in Western North Carolina, announced earlier this month that it has signed a letter of intent to be acquired by HCA. Mission said its board voted unanimously to execute the letter of intent, a decision based on its vision to expand the quality of care in what it calls "a rapidly consolidating healthcare industry."

HCA ranks as the nation's largest for-profit hospital chain and holds a spot at 63rd on Fortune magazine's list of the country's largest companies of all kinds. It has grown from a single hospital in Nashville, where it is still headquartered, to 177 hospitals and 119 freestanding surgery centers in 20 states and the United Kingdom.

In the late 1990s and early 2000s, HCA went through several years of investigation for Medicare fraud and related issues. It ultimately paid the federal government \$1.7 billion. In 2006, an investor group bought up the company's stock for \$33 billion, most of it borrowed and made it a privately held company. That was the third time in the country's history that happened. HCA then sold shares to the public again in 2011. The New York Times reported in 2012 that the leveraged buyout put financial backers of the 2006 deal, which included some of the largest investment companies in the United States, in a position to reap profits of anywhere from double to three-and-a-half times their initial investment.

Investigations by the Times in 2012 found that HCA had changed its classifications of illnesses it was treating to reap substantially larger reimbursements from Medicare, Medicaid and private insurers. The Times also said it found a pattern of physicians at some HCA hospitals in Florida performing lucrative heart surgeries that were unnecessary. HCA denied any wrongdoing.

Asked about it recently, in a light of the proposed to acquire Mission Health, the company said it was "very public" about a transition a decade ago for assigning evaluation and management coding in the ER based on the American College of Emergency Physicians model. "We converted to the ACEP model, used by many hospitals in America because it provided for more consistent code assignments than the system previously used," the company said in an email this week. HCA said after it made its initial assessment of the effects of the ACEP model, the company moved six of the interventions to lower levels of acuity.

The company got another black eye more recently. Legal settlements in 2015 and 2017 it and an affiliated company agreed to bring in \$175 million to the Health Care Foundation of Greater Kansas City. The foundation had sued HCA, alleging that it had not followed the terms of an agreement struck when it bought hospitals in the Kansas City area. Most of the settlement was in connection with capital improvements in hospitals HCA said it would make but the foundation said never happened, some were connected to allowances for uncompensated care. HCA said it had agreed to make \$450 million in capital expenditures following the purchase of hospitals in Kansas City. The only issue, it said, was the "timing of those expenditures over the five-year period." (Mark Barrett and Dillon Davis, THE ASHEVILLE CITIZEN-TIMES, 3/28/18)

## **School Psychologists**

Increasing the number of school psychologists has come up as one way to make schools safer. The National Association of School Psychologists says there should be one school psychologist per 700 students. But in North Carolina the average is 1 per 2,100 students. Speaking on WFAE's Charlotte Talks Wednesday, Charlotte-Mecklenburg Schools psychology specialist Cyndi Shaw says that's the case in Charlotte too. She says the district has recently shifted to a more comprehensive model



aimed to identify serious mental illness, while also supporting the social-emotional needs of the average student. "You can identify kids early who are at risk for developing serious mental health issues and you can intervene and we see increases in academic scores and we also see increases in the ability to cope with life's problems," said Shaw. (WFAE NEWS, 3/28/18)

## **Named**

President Donald Trump fired VA Secretary David Shulkin on Wednesday and chose a former aide to Jesse Helms and Thom Tillis to fill the job in an interim role. Trump tapped Robert Wilkie to be the interim secretary of Veterans Affairs while nominating his personal physician Ronny L. Jackson for the permanent post. Shulkin was a holdover from the Obama administration who faced investigations over his travel and leadership of the department.

Wilkie, who is from Fayetteville, served in Trump's transition office. Trump picked him to be under secretary of defense for personnel and readiness, a position that required confirmation by the Senate. Wilkie was confirmed unanimously. Wilkie worked as senior adviser to Tillis, a North Carolina Republican, from 2015 until 2017. "Robert Wilkie -- my friend, former senior advisor, and proud North Carolina native -- is an outstanding choice by the President to lead the transition at the VA," Tillis said in a statement. "I can't think of anyone who is as capable, sincere, and passionate about serving and caring for the brave men and women who have worn the uniform." (Brian Murphy, McClatchy DC, 3/28/18)

## **Assisted Living**

The state won't allow an assisted-living facility for the elderly in Moore County to accept more residents until it fixes a long list of problems that include mishandling of patient drugs and sanitation lapses. A former worker's video of a staff member bent at the waist while sitting at a desk alerted authorities to problems at Tara Plantation of Carthage, about 60 miles southwest of Raleigh. Last week, the state ordered all staff members who have access to medication to take a drug test. The deadline for sending the state the results is Monday, April 2. An investigation of the assisted living facility discovered drugs had gone missing, residents were not taking medicine as required, one had overdosed twice in January, and staff members weren't washing their hands as they went from patient care to computer entry.

In a Tuesday letter to Tara Plantation owner and administrator Kathy Huffman, Mark Benton, a state Department of Health and Human Services deputy secretary, said staff from the state Division of Health Services Regulation would make unannounced visits in the coming days and weeks. "If it appears that demonstrative and lasting improvements have not been made, or if new issues are identified, staff could take more stringent action, up to and including revocation of your license," he wrote.

In a brief interview Wednesday, Huffman said the facility is safe and that she would contest the decision to stop new admissions. She declined to answer more questions. The facility is able to admit as many as 80 people. (Lynn Bonner, THE NEWS & OBSERVER, 3/28/18)

## **Prison Assault**

A state agency says officials at a North Carolina prison were attacked in separate incidents. The N.C. Department of Public Safety said a prison officer at Maury Correctional Institution in Greene County received a non-life threatening injury after an inmate attack around 8:30 a.m. Wednesday. Spokeswoman Sonja Bennett-Bellamy said the officer and was taken to a local urgent care center and is expected to soon return to work. Bennett-Bellamy said the inmate is undergoing a mental evaluation. A second attack occurred about two hours later when an inmate walked up behind a case manager and hit them on the head with his fist. A supervisor trying to break up the scuffle was also hurt. Neither of the injuries was serious, and Bennett-Bellamy said officials don't believe the incidents are related. (THE ASSOCIATED PRESS, 3/28/18)

## **Police Vacations**

Police officers in North Carolina's largest city are being warned a year ahead not to plan on vacations early in 2019 because of major basketball events. Charlotte-Mecklenburg Police Maj. Gerald Smith told WBTV in Charlotte that the department won't be able to give vacations during February and March. Officers received an email saying there will be no vacations between Feb. 13-17 for NBA All-Star activities. There's also no vacation between Feb. 26-March 2 for the CIAA men's and woman's tournaments.

Following the CIAA tournaments, Smith said single-day vacations will be restricted between March 5-10 because of the ACC men's tournament. "You have these three events back to back and that's a large strain on the entire department," Smith said, "but we also want to let them know - hey, don't make any plans a year out for vacation during this time, don't plan family vacations, don't plan if you can help it - moving a wedding date if possible or anything possible so it doesn't disturb their lives or disrupt their lives as much as possible."

Mark Mihalec, president of the local chapter of the Fraternal Order of Police, said he thinks the restrictions stem from a lack of officers, and he said restricting vacations will put a strain on officers. "It's going to strain all city employees, to be honest with you," Michalec said. "Everybody is going to be stretched pretty thin and asked to do a few more and if the city has to do more with less it's going to get to a breaking point after a while."

WBTV reported that Charlotte-Mecklenburg police is allocated 1,978 officers. However, the department has 170 vacancies. In addition to the 2019 basketball tournaments, Charlotte is preparing to bid on the 2020 Republican National Convention. It hosted the 2012 Democratic National Convention. "During the DNC, we brought in resources from all over," Smith said. "If our shortages were still short we would have to ask more departments to come in to help out." (THE ASSOCIATED PRESS, 3/28/18)

## **Asheville Beating**

City records for a police officer charged in the assault of an accused jaywalker omitted two disciplinary suspensions from the officer's personnel history. A police spokeswoman Wednesday said the omission was a mistake and was corrected within days. Spokeswoman Christina Hallingse said city staff attempted to contact all recipients of the incorrect personnel file. There's no record the Citizen-Times was contacted, which Hallingse said would have also been an oversight. After making a public record request the Citizen-Times first received a copy of Hickman's personnel file on March 2.

It showed that Hickman, who worked for the department from 2008 through January of this year, had two promotions with pay increases. Those were among nine pay increases overall including cost-of-living adjustments. Hickman got his last pay increase, an across-the-board raise for all city employees, on July 1. That was less than two months before his violent encounter with a black pedestrian, Johnnie Rush, an event captured on body camera video that drew widespread outrage after the video's publication in February.

The first version of Hickman's personnel file showed no demotions or suspensions. The second version of the file updated by March 5, shows a suspension in 2011 and another on Oct. 10, less than two months after the beating of Rush. But the October suspension was not related to the August encounter with Rush, Hallingse said. State law doesn't allow the release of more details on suspensions, the spokeswoman said. Hickman was put on desk duty after an Aug. 25 complaint about the beating and during a four-month non-criminal internal investigation, city officials said. (Joel Burgess, ASHEVILLE CITIZEN-TIMES, 3/28/18)

## **Solar Program**

Cypress Creek Renewables, which is among the nation's largest solar installers, announced on Tuesday a \$16,500 grant to Cape Fear Community College. "We went from Murphy to Manteo to find a partner like this," said Greg Gebhardt, Cypress Creek's director of government and community

relations, while standing on the rooftop terrace of CFCC's year-old Advanced and Emerging Technologies building at the college's North Campus. Cypress Creek operates 140 solar farms in North Carolina. Of the \$16,500, \$9,000 will be used for student scholarships and certification tests, while \$7,500 will be used for ongoing training for instructors. The agreement with CFCC represents Cypress Creek Renewables' fourth in the nation, following similar investments at Illinois' Kankakee Community College, New York's Hudson Valley Community College and South Carolina's Greenville Technical College.

Rep. David Rouzer, R-N.C. 7, was in attendance to support the announcement. Rouzer has been a vocal supporter of offshore drilling but also said he supports renewable energy initiatives in Eastern North Carolina. "All of this goes together," he said. "Wind's not going to do it alone. Solar's not going to do it alone. You're going to need natural gas. You're going to need other renewables. And of course, oil is obviously a major player today. The future is natural gas and renewables." In January, the Trump Administration announced tariffs on imported solar panels that many said will slow the industry's growth in North Carolina. Rouzer, who has supported many of Trump's policies, said the president operates "through a different prism" than many are accustomed to seeing. "I think the president's looking at everything on a case-by-case basis, a country-by-country basis. He throws things out there to see how these other countries are going to react, and then he'll adjust accordingly," said Rouzer, who is up for re-election later this year. (Adam Wagner, WILMINGTON STAR-NEWS, 3/28/18)

## **Hudson Talk**

U.S. Rep. Richard Hudson met with staff members of Serenity House in Concord Tuesday for a roundtable discussion about a nationwide crisis. The topic was opioid addiction, a problem far too real for Cabarrus County, according to emergency service and law enforcement personnel who attended. "Last year in Cabarrus County, we had 639 opioid overdoses," said Alan Thompson, director of Cabarrus Emergency Medical Services. " ... For the last eight months or so, we've teetered in the top five (across North Carolina). ... Several months, we've been No. 1."

Opioid abuse, Thompson said, is a "human story." Anyone can struggle with addiction, he said.

Alice Harrison, the director of Hope Haven and Serenity House, explained. "There are a lot that started by taking opioids for a hurt back or for having wisdom teeth pulled, whatever it may be," Harrison said. "As that continues, they get to the point where they can't tell if it's real pain or perceived pain. They feel like they've got to have (opioids) even though they're not sure why, so it continues to escalate." Serenity House is a residential facility for men recovering from addiction. Harrison described it as "a program where a person can come and learn to use the tools of recovery."

Mark Sturgis, manager of Serenity House, said a safe space is key. Sufferers of addiction have developed habits of abuse over years. It's a coping mechanism, he said, and people need time to establish new, healthy behaviors. Those suffering addiction need places to learn new behaviors in the absence of common triggers, said Sturgis. Hudson, a Republican who represents Montgomery, Stanly, Moore, Cabarrus and Hoke counties and parts of Rowan and Cumberland counties, agreed. "You've got a treatment where you're getting a whole lot of information, but then what's next?" Hudson said, "Are you putting people right back in the same lifestyle and locations where they were?" (Andie Foley, THE SALISBURY POST, 3/28/18)

## **Tillis Visit**

A pastor with roots in North Carolina who has been accused of aiding a failed 2016 coup d'etat in Turkey and has been held in prison ever since has lost 50 pounds amid deteriorating health, says U.S. Sen. Thom Tillis, who visited the pastor Monday. Tillis visited with Pastor Andrew Brunson at the Buca Prison in Izmir, Turkey, according to a statement from the senator's office. Brunson, who is originally from Black Mountain, has lived in Turkey for the past 20 years. He was detained Oct. 7, 2016, after the failed coup and accused of aiding the U.S.-based cleric Fethullah Gulen's network and the outlawed Kurdistan Workers' Party, which Turkey accuses of masterminding the coup



"Pastor Brunson is strengthened by his love for his family and his faith in God, but his health has deteriorated," Tillis said. "He has lost 50 pounds and spends 24 hours a day in a cell with limited human contact. He is attempting to visit a doctor this week, which involves him being handcuffed and transported with several armed guards. He fears the possibility that the American government accepts the indictment and forgets about him, which we will not allow to happen." Tillis said Brunson has been falsely accused and is a "political pawn" by the Turkish government. (WFAE RADIO, 3/28/18)

## **Project Zebra**

A Russian documentary crew visited Elizabeth City Monday and Tuesday, interviewing city officials about the city's role in World War II and, of course, the city council's decision to reject a Russian-funded monument to "Project Zebra." Valentine Rutkevich, of state-owned television channel Russia 1, and two crew members interviewed local officials as part of an upcoming Russian documentary on World War II, a time when the United States and the then-Soviet Union allied against Nazi Germany. The documentary will premiere in Russia on May 9, or "Victory Day." The major state holiday commemorates Nazi Germany's surrender, achieved only after the deaths of more than 20 million Russians. American deaths numbered just over 400,000, according to federal sources.

Speaking after an interview with City Councilor Billy Caudle, Rutkevich said they're making the film to educate Russian citizens on World War II. Acknowledging the tension between the countries now, he also said it will recognize the alliance between the U.S. and the Soviet Union. Caudle acknowledged the proposed Project Zebra monument, which he supports, divided the city council. He told Rutkevich he challenged the council to read the "Project Zebra" book by M.G. Crisci. He also said he viewed the monument as a symbol of cooperation.

Councilor Johnnie Walton strongly opposed the monument, however, arguing it would reflect poorly on the city to accept a gift from the Russian government. U.S. intelligence agencies concluded that Russia used online propaganda in an attempt to interfere in the U.S. presidential election. Compounding the tensions between the countries, President Donald Trump's administration on Monday announced it was expelling Russian diplomats and "intelligence agents" from the U.S., a move other countries have also taken against Russia after a Russian nerve agent was used to poison a double agent in the United Kingdom. (Jon Hawley, THE (Elizabeth City) DAILY ADVANCE, 3/28/18)

## **DOT Suit**

Southwestern Community College is seeking compensation for damage to the Balsam Center building that it believes resulted from the R-5000 road project, a 0.7-mile connector road between N.C. 107 and N.C. 116 that wound up costing \$30 million. A three-way finger-pointing contest over the damage has been ongoing since 2015, with SCC blaming DeVere Construction Company Inc. and the N.C. Department of Transportation, and DeVere and the DOT each claiming that the other is responsible for the mess. That saga continues with a pair of lawsuits that the SCC trustees filed in December. In the lawsuits -- one against DOT and another against DeVere -- SCC claims that DeVere was negligent in its construction practices, resulting in damage to the building and that underground anchors associated with the project extended beyond the DOT's right-of-way, amounting to an uncompensated taking of property. In each suit, SCC is seeking damages in excess of \$10,000, with the exact amount to be decided following a jury trial. (Holly Kays, SMOKY MOUNTAIN NEWS, 3/28/18)

## **FEMA Grant**

Boiling Spring Lakes has received approval for a long-awaited FEMA grant to build an emergency spillway on Patricia Lake, popularly known as "Big Lake." The grant is for \$1,732,500, which is 75-percent of the \$2.31-million project cost. FEMA obligates funding for the project directly to the State of North Carolina. It is the state's responsibility to ensure that the eligible sub-recipient receives the award. "We've been notified by Congressman (David) Rouzer's office that the FEMA grant to the State of North Carolina has been approved," Boiling Spring Lakes city manager Jeff Repp said Friday.

"We're now waiting to hear from the state that we will get our money from the state. The money goes from FEMA to the state, and the state doles it out to the people that they had already pre-approved to be the recipient." This is a long-term permanent fix for flooding that occurs during severe rain events. The need was always there, but the question was about the cost. (Michael Paul, THE STATE PORT PILOT, 3/28/18)

## **Fuel Spill**

A fuel spill that occurred on Blue Ridge Energy's property at 2491 U.S. 421 S. in Boone has been completely cleaned up with no contamination of adjacent properties, according to BRE spokesperson Renee Whitener. "The geologist has completed testing and the spill is completely cleaned up," Whitener said on Wednesday. "Soil that was affected by the spill was removed and replaced with clean soil and the containment structures that were put in place as precautionary measures to prevent any potential runoff are being removed. The analysis showed no contamination of any adjacent property."

STAT Inc. -- Blue Ridge Energy's environmental spill contractor -- retained Steven Lucas with Lighthouse Technical Environmental Solutions to "further assure containment and preventative measures," according to Whitener. Along with STAT Inc., the National Response Center, the N.C. Department of Environmental Quality, the Watauga Director of Emergency Management and the regional-level Environmental Protection Agency were contacted as part of the case. (Thomas Sherrill, THE WATAUGA DEMOCRAT, 3/28/18)

## **Mansion Tours**

North Carolina's Executive Mansion -- the "people's house" -- will open its historic doors and beautiful gardens to the public for free tours this spring, according to a news release. School children, adults, civic groups and families are invited to experience the 127-year old mansion for guided tours conducted by volunteer docents. The Executive Mansion boasts a collection of decorative arts while the grounds feature extensive flower and vegetable gardens and modern environmental practices. House tours are available Wednesdays and Thursdays, March 14 through June 21. Tours are conducted at 10 a.m., 10:30 a.m., 2 p.m., 2:30 p.m. and 3 p.m. Tours of the nearly five acres of flower and vegetable gardens will be offered on Wednesdays and Thursdays, April 4 through May 31, at 9:30 a.m. and 10:30 a.m. Wednesday garden tours are designed for children; Thursday garden tours are for adults. (NEWS RELEASE, 3/28/18)

## **Bridge Closure**

With one of two main arteries onto Oak Island planned to be cut off for about eight months starting in September, some businesses are questioning their ability to survive on the dried-up route. The N.C. Department of Transportation (DOT) plans to close the Oak Island G.V. Barbee Bridge at the island's east end to conduct repairs, something that requires total closure to complete. It isn't expected to reopen until Memorial Day in 2019, meaning to access the island drivers will have to use the Swain's Cut Bridge -- the island's only remaining link to the mainland that's on the Brunswick County island's western end.

A number of small businesses, an airport, housing developments, an urgent-care facility and restaurants are concentrated on Long Beach Road just before crossing the Barbee bridge onto the island. When the Barbee bridge closes on the east end, businesses are questioning whether drivers will make the trek down to the foot of the bridge before turning around and heading to the only bridge that allows access to the island on the west end.

"We're all scared, I'm not going to lie," said Heather Dye, owner of Klassy Konsignment on Long Beach Road before the bridge. "I've talked to many business owners down this road and I don't know what we're going to do." Though the closure is planned for what's considered the off-season, Dye said Long Beach Road continues to "get a lot of traffic" to the beach through the fall, winter and spring months. Without that traffic, Dye said it will be a major impact on her business. "You take my

food off my plate for eight months, that's going to hurt," she said. (Makenzie Holland, WILMINGTON STAR-NEWS, 3/28/18)

## School Officers

Dare County is one of just four districts among North Carolina's 115 to have a resource officer in every school, said Michael Anderson, community development and training manager for the N.C. Center for Safer Schools, part of the state's Department of Public Instruction. Expense, district size and lack of resources often prevent placing officers in elementary schools, he said. Sheriff Doug Doughtie, along with town and county officials, committed to putting officers in the county's five elementary schools following the Sandy Hook Elementary School shooting in 2012. The high schools and middle schools already had officers. "I do believe if he or she knows we are there and we are armed then that is a big deterrent, yes sir," Doughtie said. "You're hoping that's going to be enough." (Jeff Hampton, THE VIRGINIAN-PILOT, 3/28/18)

## Suit Dropped

The Supreme Court of the Lumbee Tribe on Monday dismissed the case in which the tribal chairman was accused of violating the tribe's constitution. "The court judged that I did not have standing as I was only a Tribal Council member and not the Tribal Council speaker," Anita Hammonds Blanks wrote in a brief statement. In her petition to the court, Blanks accused Harvey Godwin Jr. of twice violating the tribe's constitution and violating tribal ordinances on five occasions. The petition was filed when Blanks was a member of the council. She was elected speaker on Jan. 18. "There is no appeals process," Blanks wrote. "As to anything further, I will determine that shortly."

Godwin could not be reached for comment. Blanks accused Godwin of violating the constitution when he adopted on Nov. 1, FY 2018 Continuing Resolution, pertaining to the tribe's 2017-18 budget, as an executive order. Blanks claimed that the executive order gave the tribe's executive branch legislative authority to budget funds. (THE ROBESONIAN, 3/28/18)

## RCC-UNCG Partnership

The University of North Carolina at Greensboro on Wednesday announced a new co-admission agreement with Randolph Community College to facilitate degree completion and student success by improving access to undergraduate educational resources, university facilities and support systems. The UNCG-RCC "Spartan Passage" partnership expands opportunities for transfer students, regardless of location, to access and complete their baccalaureate degrees in a selection of nearly 60 popular majors, including Business Administration, Biology, Psychology and Computer Science.

The first of its kind in Randolph County, the UNCG-RCC partnership is significant for the mostly rural community, with an average population density of 166 people or fewer per square mile. Randolph is not alone; approximately 2.2 million people -- one in five North Carolinians -- live in the state's rural communities. Of the 100 counties in the state, 80 are considered rural. (THE (Asheboro) COURIER-TRIBUNE, 3/28/18)

## Legislative Studies and Meetings

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Items in **RED** are new listings.

**LB:** Legislative Building

**LOB:** Legislative Office Building.

More Information: <http://ncleg.net/LegislativeCalendar/>

### Monday, April 2

- 1 p.m. | House Select Committee on Strategic Transportation Planning and Long Term Funding Solutions, 544 LOB.



### **Tuesday, April 3**

- 10 a.m. | The Joint Legislative Education Oversight Committee, 643 LOB.
- 1 p.m. | The Joint Legislative Commission on Energy Policy, 544 LOB.

### **Wednesday, April 4**

- **9 a.m. | The Joint Legislative Oversight Committee on General Government, 544 LOB.**
- **9 a.m. | The Joint Legislative Study Committee on the Division of Local School Administrative Units (2017), 544 LOB.**
- 10 a.m. | The Joint Legislative Oversight Committee on Unemployment Insurance, 544 LOB.

### **Thursday, April 5**

- **9 a.m. | The Joint Legislative Oversight Committee on Information Technology, 544 LOB.**
- 1 p.m. | The Joint Legislative Economic Development and Global Engagement Oversight Committee, 643 LOB.

### **Monday, April 9**

- **11 a.m. | The Joint Legislative Program Evaluation Oversight Committee, 544 LOB.**

### **Tuesday, April 10**

- 9 a.m. | The Joint Legislative Oversight Committee on Health and Human Services, 643 LOB.
- 1 p.m. | The Joint Legislative Oversight Committee on Medicaid and NC Health Choice, 643 LOB.

### **Wednesday April 11**

- **9:30 a.m. | The Revenue Laws Study Committee, 544 LOB.**
- 1 p.m. | The Joint Select Committee on Judicial Reform and Redistricting (2017), 643 LOB.

### **Thursday, April 12**

- 9 a.m | The Joint Legislative Emergency Management Oversight Committee, 544 LOB.

### **Tuesday, April 24**

- 9 a.m | The Task Force on Sentencing Reforms for Opioid Drug Convictions (2017), 544 LOB.

### **Wednesday, April 25**

- 10 a.m. | The Joint Legislative Task Force on Education Finance Reform (2017), 643 LOB.

## **N.C. Government Meetings and Hearings**

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Items in **RED** are new listings.

### **Thursday, March 29**

- 1:30 p.m. | The Fayetteville State University (FSU) Board of Trustees meets, J.C. Jones Board Room, Chesnutt Library, Fayetteville.

### **Wednesday, April 4**

- 10 a.m. | The Shrimp Bycatch Reduction Industry Workgroup meets, North Carolina History Center, Tryon Palace, 529 S. Front St., New Bern.

### **Friday, April 6**

- 10:30 a.m. | The state Division of Employment Security holds public hearing on proposed rule changes, North Carolina Department of Commerce, Division of Employment Security, Room A-502, 700 Wade Ave., Raleigh.

### **Monday, April 16**

- 5 p.m. | The N.C. Department of Environmental Quality holds a information session on the proposed plan to use North Carolina's share of a national settlement with Volkswagen, Lenoir Community College, Bullock Building, Room 150, Kinston.

### **Tuesday, April 17**

- 1 p.m. | The N.C. Department of Environmental Quality holds a information session on the proposed plan to use North Carolina's share of a national settlement with Volkswagen, Triangle J Council of Governments, 4307 Emperor Blvd., Suite 110, Durham.

### **Wednesday, April 18**

- 10 a.m. | The NC Alcoholic Beverage Control Commission meets, 400 East Tryon Road, Raleigh.

### **Friday, April 20**

- 9 a.m. | The N.C. Department of Environmental Quality holds a information session on the proposed plan to use North Carolina's share of a national settlement with Volkswagen, Cape Fear Community College, Union Station, Room 512, 502 N. Front St., Wilmington.

### **Tuesday, April 24**

- 9 a.m. | The state Appraisal Board holds public hearing on proposed rule changes, North Carolina Appraisal Board, 5830 Six Forks Road, Raleigh.

### **Thursday, April 26**

- 9 a.m. | North Carolina Wildlife Resources Commission meets, WRC Headquarters Conference Room, 1751 Varsity Dr., NCSU Centennial Campus, Raleigh.

## **UNC Board of Governors**

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Board Room of the UNC Center for School Leadership Development  
140 Friday Center Drive, Chapel Hill **(remote meeting locations in RED)**  
More Information: <https://www.northcarolina.edu/bog/schedule.php>

### **Friday, May 25**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

## **N.C. Utilities Commission Hearing Schedule**

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Dobbs Building

430 North Salisbury Street

Raleigh, North Carolina

More Information: <http://www.ncuc.commerce.state.nc.us/activities/activit.htm>

### **Monday, April 2**

- Staff Conference

### **Wednesday, April 4**

- 10 a.m. | E-2 Sub 1157 ...Complaint of Corrine Mulholland, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

### **Thursday, April 5**

- 10 a.m. | T-4478 Sub 10 ...Show Cause for Failure to Maintain Insurance, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.
- 10:30 a.m. | T-4636 Sub 3 ...Show Cause, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

### **Monday, April 9**

- Staff Conference

### **Wednesday, April 11**

- 10 a.m. | EMP-93 Sub 0 ...Application for CPCN to Construct a 74 MW Electric Merchant Plant and Registration of Facility Located at Terra Ceia Rd., Beaufort, Dobbs - Commission Hearing Room, 2nd floor, Room 2115.

### **Monday, April 16**

- Staff Conference

### **Monday, April 23**

- Staff Conference

### **Monday, April 30**

- Staff Conference

## **Other Meetings and Events of Interest**

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Items in **RED** are new listings.

### **Thursday, March 29**



- **12 p.m. | Gov. Roy Cooper to hold a conversation for Politico's Playbook University, Duke University, Penn Pavilion, 107 Union Drive, Durham.**

### **Monday, June 11**

- 12 p.m. | Candidate filing for Soil & Water Conservation District Supervisor begins, local county Board of Elections.

### **Monday, June 18**

- 12 p.m. | Candidate filing for all Judicial Offices begins, N.C. State Board of Elections & Ethics Enforcement, 430 N Salisbury St, Raleigh.

### **Friday, June 29**

- 12 p.m. | Candidate filing for all Judicial Offices ends, N.C. State Board of Elections & Ethics Enforcement, 430 N Salisbury St, Raleigh.

### **Friday, July 6**

- 12 p.m. | Candidate filing for Soil & Water Conservation District Supervisor ends, local county Board of Elections.

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